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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,807	11/12/1999	MICHAEL MARCASE	D5381-00001	2131

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EXAMINER

VARMA, SNEH K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,807

Applicant(s)

Marcase

Examiner

Sneh Varma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 13, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) None is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☒ Claims None are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on February 13, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 9/439,807 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clements '768 (Clements) in view of Antonious '668 (Antonious) and MacClain '598 (MacClain).

Clements discloses a golf club head (Figures 1-4; Column 1, lines 38-41; Column 2, lines 15-16 and lines 34-41) comprising: a hosel, located at a heel end to accommodate a shaft, and a metal blade comprising a striking face 8, a sole 14, and a rear face 18, the striking face

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and the sole meeting at a knife-like leading edge 16, the rear face meeting the striking face at a trailing edge at the top of the face; a shaft attached to the hosel, and having a handle positioned at an end opposite the hosel; and the striking face is abrasive (Figure 1).

However, Clements fails to disclose a sole having a protrusion. Antonious teaches the use of a golf club head 12 (Figures 1-3; Column 4, lines 9-20 and lines 58-65) having a protrusion 32 and 34. MacClain also teaches the use of a golf club with protrusion 8 (Figures 1-3; Page 1, lines 77-87) and an abrasive striking face (Page 1, lines 68-72).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the protrusion and an abrasive striking face as taught by Antonious and MacClain in the Clements device to improve the performance of the golf club in hazardous ground conditions.

4. Claims 2-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Sun et al. '041 (Sun) and Simmons '097 (Simmons).

The modified device of Clements discloses the invention as recited above. However, the modified device fails to disclose metal dowels for weighing. Sun teaches the use of metal dowels 16, (Column 2, lines 45-52); the diameter of these dowels 16, is between 0.375 inch and 0.4375 inch (Column 2, lines 53-62); and the metal dowels are made of a metal having a density greater than the density of the metal from which the metal blade is formed (Column 2, lines 45-62); the metal dowels are made of lead and the club head is made of steel.

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Simmons teaches the use of a golf club head with metal dowel 30, (Column 3, lines 31-61) of diameter between 0.375 inch and 0.4375 inch and the use of tungsten, lead and other suitable metals.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the metal dowels as taught by Sun and Simmons in the modified Clements device to improve the performance of the golf club head.

For one of ordinary skill in the art, the choice of designing the club head such that a leading metal dowel and a trailing metal dowel disposed in the metal blade and located substantially on each side of an apex of the protrusion of the sole, the leading metal dowel disposed between the protrusion of the sole and the leading edge and the trailing metal dowel disposed between the protrusion of the sole and the trailing edge, would depend on the cost of manufacturing and the design requirements.

The modified Clements device is a means to achieve the same function of propelling the ball onto the fairway or green from the rough as that claimed for the invention. Since the Applicant has failed to provide any evidence of unexpected results using the structure claimed in Claims 11-12 and 16-18 of the claimed invention which could contradict the recitation above, clearly the Applicant's claimed dimensions are obvious and lack criticality.

The Applicant has not presented new and unexpected results to substantiate that the dimensions claimed are critical.

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An artisan skilled in the art would use suitable angles and thicknesses for the leading and trailing edges depending on the design requirements and the cost of manufacturing.

Allowable Subject Matter

5. Claims 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed on February 13, 2002 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Varma whose telephone number is (703) 308-8335. The examiner can normally be reached on Monday to Friday from 8:00 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Paul Sewell, can be reached on (703) 308- 2126.

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The Official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302 and the fax phone number After Final Office Action is (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

March 27, 2002

Sneh Varma, Patent Examiner

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Paul T. Sewell
Supervisory Patent Examiner
Group 3700